

## Finocchiaro, Marco

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**From:** Finocchiaro, Marco  
**Sent:** Thursday, February 24, 2022 8:26 AM  
**To:** Wong, Virginia  
**Cc:** Balla, Richard; Ash, Christine  
**Subject:** RE: Wainscott Letter - Draft Response Document

Virginia,

Rick and I spoke and I do believe that there should be some input on the lack of water quality standards for PFAS as it is not currently regulated under the Clean Water Act. The letter that was sent to Administrator Regan calls for him to use our CWA 404q authority due to non-compliance with the 404(b)(1) Guidelines. From the Guidelines:

(b) No discharge of dredged or fill material shall be permitted if it:

- (1) Causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable State water quality standard;
- (2) Violates any applicable toxic effluent standard or prohibition under section 307 of the Act;

As their concerns are directly related to surface water and they're using 404 to speak to water quality, some language on WQS and toxic effluent standards may be appropriate.

Best,  
Marco

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*Marco Finocchiaro (he/him/his)*  
*Chief, Wetlands Protection Section*  
*U.S. Environmental Protection Agency, Region 2*  
*290 Broadway, 24th Floor*  
*New York, NY 10007*  
*212-637-3836*

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**From:** Balla, Richard <Balla.Richard@epa.gov>  
**Sent:** Wednesday, February 23, 2022 11:45 AM  
**To:** Finocchiaro, Marco <Finocchiaro.Marco@epa.gov>  
**Subject:** Marco: can you review and let me know if should concur? -rick (Wainscott Letter - Draft Response Document )

Marco:

can you review and let me know if should concur? Please review the whole letter but especially the parts for which we are lead.

Perhaps you want to ask Sofia to review?

I'm not sure if you have access to linked version.

-rick

(Wainscott Letter - Draft Response Document )

Rick Balla (Pronouns: he/him/his)

Supervisor, Watershed Management Branch

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"Justice will not be served until those who are unaffected are as outraged as those who are." — Benjamin Franklin

Begin forwarded message:

**From:** "Chan, Suilin" <[Chan.Suilin@epa.gov](mailto:Chan.Suilin@epa.gov)>

**Date:** February 23, 2022 at 11:36:19 AM EST

**To:** "Ruvo, Richard" <[Ruvo.Richard@epa.gov](mailto:Ruvo.Richard@epa.gov)>, "Laureano, Javier" <[laureano.javier@epa.gov](mailto:laureano.javier@epa.gov)>, "Villatora, Liliana" <[Villatora.Liliana@epa.gov](mailto:Villatora.Liliana@epa.gov)>

**Cc:** "Ash, Christine" <[Ash.Christine@epa.gov](mailto:Ash.Christine@epa.gov)>, "Balla, Richard" <[Balla.Richard@epa.gov](mailto:Balla.Richard@epa.gov)>, "Laurita, Matthew" <[Laurita.Matthew@epa.gov](mailto:Laurita.Matthew@epa.gov)>, "Wieber, Kirk" <[Wieber.Kirk@epa.gov](mailto:Wieber.Kirk@epa.gov)>, "Petriman, Viorica" <[Petriman.Viorica@epa.gov](mailto:Petriman.Viorica@epa.gov)>, "Froikin, Sara" <[Froikin.Sara@epa.gov](mailto:Froikin.Sara@epa.gov)>

**Subject:** FW: Wainscott Letter - Draft Response Document

Good morning,

Ms. Gouri Edlich of the Citizens for the Preservation of Wainscott (CPW) submitted 3 letters to Administrator Regan on 1/11/2022 to express air and water concerns related to the construction of the South Fork wind energy project offshore of MA. See attached incoming letters in pdf.

Although Region 1 issued the permit to South Fork, the substation is located in East Hampton, NY and the transmission cable that transmits energy from the wind farm to the substation will pass NY waters. The Office of the Administrator assigned this controlled correspondence to Region 2 for a direct reply. The attached draft response, which is prepared for Lisa's signature, addresses both air and water issues. See attached file in word. The due date for this response has been extended to March 8, 2022.

There are 3 issues raised in the attached letters, 1 related to air and 2 related to water. The air issue is directly related to EPA's interpretation of the relevant rules and regulations that emissions offset is not required for an offshore wind energy project. The water issues raised concerns that construction of the transmission cable would harm the municipal water supplies due to PFAS contamination in the sediment and the drinking water quality.

ARD has worked with Region 1, OGC and HQ over the past few weeks to develop the response to the air issue. Thanks to the staff of Christine Ash and Rick Balla, the response to the water issues was compiled and incorporated into this response. The timeline for getting this response finalized is as follows:

- 2/23/2022 – DD review
- 2/25/2022 – Receive comments from DD
- 2/28/2022 – Address DD comments
- 3/1/2022 – Circulate final draft for RA's signature
- 3/8/2022 – Signature on response

Please review the attached documents and send me your comments and/or edits in track changes by COB this Friday 2/25/2022. However, if you would like to make changes directly to the draft response, please use the online version: [DRAFT Response to Wainscott letter SFW OCS permit.docx](#)

If you have any questions, please don't hesitate to reach out to me.

Thanks,  
Suilin